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UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
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11)
12 KATHY WALKER,) No.
13)
14 v. Plaintiff,)
15) Complaint for the Release of
16 UNITED STATES OF AMERICA,) Personal Property
17)
18)
19)
Defendant.)
20)
21)
22)
23)
24)
25)

I. JURISDICTION AND VENUE

1. This action is brought pursuant to Title 18, 46 U.S.C.
§ 983 General Rules for Civil Forfeiture Proceedings.
Jurisdiction and venue in the United States District Court for
the Western District of Washington is proper.

2. Plaintiff KATHY WALKER resides in Seattle, WA 98118,
in the COUNTY OF KING, in the STATE OF WASHINGTON.

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2 II. BACKGROUND FACTS

3 4. On July 21, 2009, a warranted search occurred at 1311
5 12th Avenue South #C-304, Seattle, WA, the residence of Plaintiff
KATHY WALKER.

6 5. On that same day, her son DIMITRIUS TINSLEY, who did
7 not reside at the residence, was arrested and charged with drug
8 related charges and later pled guilty to conspiracy to
9 distribute BZP in Cause # 2:00-cr-00255-MJP.

10 6. Dimitrius Tinsley would occasionally visit his mother
11 at her residence and had been an overnight guest of his mother
12 during the second week of July through July 21, 2009. He was
13 temporarily staying at his mother's home because he had recently
14 moved from his former apartment and was in the process of
15 finding and renting a new apartment.

16 7. During the search of July 21, 2009, personal property
17 belonging to KATHY WALKER was wrongfully seized by the federal
18 law enforcement officers.

19 8. Items of the Plaintiff's property that were not owned,
20 purchased by, or funded by her son DIMITRIUS TINSLEY were seized
21 by the officers.

22 9. KATHY WALKER had been gainfully employed prior to the
23 seizure of her property. In addition, she had recently received
24 a monetary settlement for injury/disability. Ms. Walker can

1 produce the evidence to show the means to have owned the items
2 seized, and for certain items, the receipts.

3

4 III. CLAIMS AND CAUSES OF ACTION

5 A. RETURN OF PROPERTY

6 10. Under the Federal Rules of Criminal Procedure Rule
7 41(g) Motion to Return Property:

8

9 [a] person aggrieved by an unlawful search and
10 seizure of property or by the deprivation of property
11 may move for the property's return. The motion must
12 be filed in the district where the property was
13 seized. The court must receive evidence on any
14 factual issue necessary to decide the motion. If it
grants the motion, the court must return the property
to the movant, but may impose reasonable conditions
to protect access to the property and its use in
later proceedings.

Fed. R. Crim. P. 41(g).

15 B. CIVIL FORFEITURE

16 Under 18 U.S.C. Chapter 46 § 983 (A)(i)

17 ... in any nonjudicial civil forfeiture proceeding
18 under a civil forfeiture statute, with respect to
19 which the Government is required to send written
20 notice to interested parties, such notice shall be
sent in a manner to achieve proper notice as soon as
practicable, and in no case more than 60 Days after
the date of seizure.

21

22 To date, the Plaintiff has received no written notice of a

23 judicial forfeiture action regarding her property which was

24 seized on July 21, 2009. The federal law enforcement officers

25 who made the arrest of Dimitrius Tinsley and those who conducted
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1 the search of Ms. Walker's property, should have known that the
2 vehicle was registered to Walker and the apartment searched was
3 rented to only Walker. She was entitled to such notice.

4
5 Under 18 U.S.C. Chapter 46 § 983 (2)(A) General rules for
6 civil forfeiture proceedings, "[a]ny person claiming property
7 seized in a nonjudicial civil forfeiture proceeding under a
8 civil forfeiture statute may file a claim with the appropriate
9 official after the seizure." The Plaintiff seeks to have her
10 property returned to her.

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12 Dated: DECEMBER 9, 2009

s/ Leanne M. Lucas
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